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AMENDED IN SENATE JULY 1, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2145

Introduced by Assembly Member Bradford

February 20, 2014

An act to amend Sections 331.1 and 366.2 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 2145, as amended, Bradford. Electricity: community choice aggregation.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The Public Utilities Act authorizes a community choice aggregator, as defined, to aggregate the electrical load of interested electricity consumers within its boundaries and requires a community choice aggregator to file an implementation plan with the commission and requires that the plan include disclosures of certain information and describe other matter. The act requires a community choice aggregator to register with the commission, which may require additional information to ensure compliance with basic consumer protection rules and other procedural matters. Existing law requires that a city, county, or city and county that elects to implement a community choice aggregation program within its jurisdiction do so by ordinance, but

authorizes a city, county, or city and county to request, by affirmative resolution of its governing council or board, that another entity authorized to be a community choice aggregator act as the community choice aggregator on its behalf, in which case, that other entity is responsible for adopting the ordinance to implement the community choice aggregation program on behalf of the requesting city, county, or city and county.

This bill would require solicitations of customers by a community choice aggregator contain, and communication by the community choice aggregator to the public or prospective and existing customers to be consistent with, specified information and would require that the implementation plan filed by a community choice aggregator completely describe certain matter required to be disclosed under existing law. The bill would authorize the commission to require that a community choice aggregator, when registering with the commission, provide additional information to ensure compliance with basic consumer protection and other rules and other procedural matters. If a city, county, or city and county requests another entity that is authorized to be a community choice aggregator to act as the community choice aggregator on its behalf, the bill would require that the entity that is to be the community choice aggregator be in a county that is contiguous to the requesting city, county, or city and county. The bill would provide that, beginning January 1, 2015, no entity may enact an ordinance to serve as the community choice aggregator in more than 3-contiguous-counties, but may serve as the community choice aggregator for any city, county, or city and county that is outside a 3-contiguous-county area, for which it adopted an ordinance prior to January 1, 2015. The bill would make other technical, nonsubstantive revisions to the community choice aggregator provisions.

The Joint Exercise of Powers Act authorizes the legislative or other governing bodies of 2 or more public agencies to jointly exercise by agreement any power common to the contracting parties, as specified. Existing law authorizes any group of cities, counties, or cities and counties whose governing boards have so elected to combine the loads of their programs as a community choice aggregator through the formation of a joint powers agency established pursuant to the Joint Exercise of Powers Act.

This bill would prohibit a joint powers agency formed to provide electric service as a community choice aggregator from exceeding the geographical boundaries of 3-contiguous-counties, but would provide

that this limitation does not apply where an ordinance authorizing community choice aggregation outside the 3-contiguous-counties was adopted prior to January 1, 2015.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the bill would impose requirements regarding a community choice aggregator, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 331.1 of the Public Utilities Code is
2 amended to read:

3 331.1. For purposes of this chapter, “community choice
4 aggregator” means any of the following entities, if that entity is
5 not within the jurisdiction of a local publicly owned electric utility
6 that provided electrical service as of January 1, 2003:

7 (a) Any city, county, or city and county whose governing board
8 elects to combine the loads of its residents, businesses, and
9 municipal facilities in a communitywide electricity buyers’
10 program.

11 (b) (1) Any group of cities, counties, or cities and counties
12 whose governing boards have elected to combine the loads of their
13 programs, through the formation of a joint powers agency
14 established under Chapter 5 (commencing with Section 6500) of
15 Division 7 of Title 1 of the Government Code.

16 (2) A joint powers agency formed to provide electric service as
17 a community choice aggregator shall not exceed the geographical
18 boundaries of three contiguous counties. This limitation does not
19 apply where an ordinance authorizing community choice
20 aggregation outside the three contiguous counties was adopted
21 prior to January 1, 2015. For purposes of this paragraph, a county

1 is contiguous to another county if it shares a border with that
2 county. A county need only share a border with one of the other
3 two counties.

4 (c) The Kings River Conservation District, the Sonoma County
5 Water Agency, and any California public agency possessing
6 statutory authority to generate and deliver electricity at retail within
7 its designated jurisdiction, provided the entity may only combine
8 the loads of residences, businesses, and governmental facilities of
9 cities and counties within, or contiguous to, its jurisdiction that
10 have, by resolution exercised pursuant to paragraph (12) of
11 subdivision (c) of Section 366.2, requested the agency to implement
12 a community choice aggregation program.

13 SEC. 2. Section 366.2 of the Public Utilities Code is amended
14 to read:

15 366.2. (a) (1) Customers shall be entitled to aggregate their
16 electric loads as members of their local community with
17 community choice aggregators.

18 (2) Customers may aggregate their loads through a public
19 process with community choice aggregators, if each customer is
20 given an opportunity to opt out of his or her community's
21 aggregation program.

22 (3) If a customer opts out of a community choice aggregator's
23 program, or has no community choice aggregation program
24 available, that customer shall have the right to continue to be served
25 by the existing electrical corporation or its successor in interest.

26 (4) The implementation of a community choice aggregation
27 program shall not result in a shifting of costs between the customers
28 of the community choice aggregator and the bundled service
29 customers of an electrical corporation.

30 (5) A community choice aggregator shall be solely responsible
31 for all generation procurement activities on behalf of the
32 community choice aggregator's customers, except where other
33 generation procurement arrangements are expressly authorized by
34 statute.

35 (b) If a public agency seeks to serve as a community choice
36 aggregator, it shall offer the opportunity to purchase electricity to
37 all residential customers within its jurisdiction.

38 (c) (1) Notwithstanding Section 366, a community choice
39 aggregator is hereby authorized to aggregate the electrical load of
40 interested electricity consumers within its boundaries to reduce

1 transaction costs to consumers, provide consumer protection, and
2 leverage the negotiation of contracts. However, the community
3 choice aggregator may not aggregate electrical load if that load is
4 served by a local publicly owned electric utility. A community
5 choice aggregator may group retail electricity customers to solicit
6 bids, broker, and contract for electricity and energy services for
7 those customers. The community choice aggregator may enter into
8 agreements for services to facilitate the sale and purchase of
9 electricity and other related services. Those service agreements
10 may be entered into by an entity authorized to be a community
11 choice aggregator, as defined in Section 331.1.

12 (2) Under community choice aggregation, customer participation
13 shall not require a positive written declaration and each customer
14 shall be informed of his or her right to opt out of the community
15 choice aggregation program. If no negative declaration is made
16 by a customer, that customer shall be served through the
17 community choice aggregation program. If an existing customer
18 moves the location of his or her electric service within the
19 jurisdiction of the community choice aggregator, the customer
20 shall retain the same subscriber status as prior to the move, unless
21 the customer affirmatively changes his or her subscriber status. If
22 the customer is moving from outside to inside the jurisdiction of
23 the community choice aggregator, customer participation shall not
24 require a positive written declaration and the customer shall be
25 informed of his or her right to elect not to receive service through
26 the community choice aggregation program.

27 (3) A community choice aggregator establishing electrical load
28 aggregation pursuant to this section shall develop an
29 implementation plan detailing the process and consequences of
30 aggregation. The implementation plan, and any subsequent changes
31 to it, shall be considered and adopted at a duly noticed public
32 hearing. The implementation plan shall contain all of the following:

33 (A) An organizational structure of the program, its operations,
34 and its funding.

35 (B) Ratesetting and other costs to participants.

36 (C) Provisions for full disclosure of all information specified
37 in paragraph (15) and due process in setting rates and allocating
38 costs among participants.

39 (D) The methods for entering and terminating agreements with
40 other entities.

1 (E) The rights and responsibilities of program participants,
2 including, but not limited to, consumer protection procedures,
3 credit issues, and shutoff procedures.

4 (F) Termination of the program.

5 (G) A description of the third parties that will be supplying
6 electricity under the program, including, but not limited to,
7 complete information about financial, technical, and operational
8 capabilities.

9 (4) A community choice aggregator establishing electrical load
10 aggregation shall prepare a statement of intent with the
11 implementation plan. Any community choice load aggregation
12 established pursuant to this section shall provide for the following:

13 (A) Universal access.

14 (B) Reliability.

15 (C) Equitable treatment of all classes of customers.

16 (D) Any requirements established by state law or by the
17 commission concerning aggregated service, including, but not
18 limited to, those rules adopted by the commission pursuant to
19 paragraph (3) of subdivision (b) of Section 8341 for the application
20 of the greenhouse gases emission performance standard to
21 community choice aggregators.

22 (5) In order to determine the cost-recovery mechanism to be
23 imposed on the community choice aggregator pursuant to
24 subdivisions (d), (e), and (f) that shall be paid by the customers of
25 the community choice aggregator to prevent shifting of costs, the
26 community choice aggregator shall file the implementation plan
27 with the commission, and any other information requested by the
28 commission that the commission determines is necessary to develop
29 the cost-recovery mechanism in subdivisions (d), (e), and (f).

30 (6) The commission shall notify any electrical corporation
31 serving the customers proposed for aggregation that an
32 implementation plan initiating community choice aggregation has
33 been filed, within 10 days of the filing.

34 (7) Within 90 days after the community choice aggregator
35 establishing load aggregation files its implementation plan, the
36 commission shall certify that it has received the implementation
37 plan, including any additional information necessary to determine
38 a cost-recovery mechanism. After certification of receipt of the
39 implementation plan and any additional information requested,
40 the commission shall then provide the community choice

1 aggregator with its findings regarding any cost recovery that must
2 be paid by customers of the community choice aggregator to
3 prevent a shifting of costs as provided for in subdivisions (d), (e),
4 and (f).

5 (8) No entity proposing community choice aggregation shall
6 act to furnish electricity to electricity consumers within its
7 boundaries until the commission determines the cost recovery that
8 must be paid by the customers of that proposed community choice
9 aggregation program, as provided for in subdivisions (d), (e), and
10 (f). The commission shall designate the earliest possible effective
11 date for implementation of a community choice aggregation
12 program, taking into consideration the impact on any annual
13 procurement plan of the electrical corporation that has been
14 approved by the commission.

15 (9) An electrical corporation shall cooperate fully with any
16 community choice aggregators that investigate, pursue, or
17 implement community choice aggregation programs. Cooperation
18 shall include providing the entities with appropriate billing and
19 electrical load data, including, but not limited to, electrical
20 consumption data as defined in Section 8380 and other data
21 detailing electricity needs and patterns of usage, as determined by
22 the commission, and in accordance with procedures established
23 by the commission. The commission shall exercise its authority
24 pursuant to Chapter 11 (commencing with Section 2100) to enforce
25 the requirements of this paragraph when it finds that the
26 requirements of this paragraph have been violated. Electrical
27 corporations shall continue to provide all metering, billing,
28 collection, and customer service to retail customers that participate
29 in community choice aggregation programs. Bills sent by the
30 electrical corporation to retail customers shall identify the
31 community choice aggregator as providing the electrical energy
32 component of the bill. The commission shall determine the terms
33 and conditions under which the electrical corporation provides
34 services to community choice aggregators and retail customers.

35 (10) If the commission finds that an electrical corporation or
36 community choice aggregator has violated this section, the
37 commission shall order appropriate corrective action.

38 (11) The commission shall proactively expedite the complaint
39 process for disputes regarding an electrical corporation's or
40 community choice aggregator's violation of its obligations pursuant

1 to this section in order to provide for timely resolution of
2 complaints, so that all complaints are resolved in no more than
3 180 days following the filing of a complaint. This deadline may
4 only be extended under either of the following circumstances:

5 (A) Upon agreement of all of the parties to the complaint.

6 (B) The commission makes a written determination that the
7 deadline cannot be met, including findings for the reason for this
8 determination, and issues an order extending the deadline. A single
9 order pursuant to this subparagraph shall not extend the deadline
10 for more than 60 days.

11 (12) (A) An entity authorized to be a community choice
12 aggregator, as defined in Section 331.1, that elects to implement
13 a community choice aggregation program within its jurisdiction
14 pursuant to this chapter, shall do so by ordinance. A city, county,
15 or city and county may request, by affirmative resolution of its
16 governing council or board, that another entity in a contiguous
17 county that is authorized to be a community choice aggregator act
18 as the community choice aggregator on its behalf. If a city, county,
19 or city and county, by resolution, requests another authorized entity
20 in a contiguous county be the community choice aggregator for
21 the city, county, or city and county, that authorized entity shall be
22 responsible for adopting the ordinance to implement the community
23 choice aggregation program on behalf of the city, county, or city
24 and county. Beginning January 1, 2015, no entity may enact an
25 ordinance to serve as the community choice aggregator in more
26 than three contiguous counties, but may serve as the community
27 choice aggregator for any city, county, or city and county that is
28 outside a three contiguous county area, for which it adopted an
29 ordinance pursuant to this subparagraph prior to January 1, 2015.

30 (B) Two or more entities in contiguous counties that are
31 authorized to be a community choice aggregator, as defined in
32 Section 331.1, may participate as a group in a community choice
33 aggregation program pursuant to this chapter, through a joint
34 powers agency established pursuant to Chapter 5 (commencing
35 with Section 6500) of Division 7 of Title 1 of the Government
36 Code, if each entity adopts an ordinance pursuant to subparagraph
37 (A). Pursuant to Section 6508.1 of the Government Code, members
38 of a joint powers agency that is a community choice aggregator
39 may specify in their joint powers agreement that, unless otherwise
40 agreed by the members of the agency, the debts, liabilities, and

1 obligations of the agency shall not be the debts, liabilities, and
2 obligations, either jointly or severally, of the members of the
3 agency. The commission shall not, as a condition of registration
4 or otherwise, require an agency's members to voluntarily assume
5 the debts, liabilities, and obligations of the agency to the electrical
6 corporation unless the commission finds that the agreement by the
7 agency's members is the only reasonable means by which the
8 agency may establish its creditworthiness under the electrical
9 corporation's tariff to pay charges to the electrical corporation
10 under the tariff. Except as provided in Section 331.1, a joint powers
11 agency that is a community choice aggregator shall not exceed the
12 geographical boundaries of three contiguous counties.

13 (13) Following adoption of aggregation through the ordinance
14 described in paragraph (12), the program shall allow any retail
15 customer to opt out and to continue to be served as a bundled
16 service customer by the existing electrical corporation, or its
17 successor in interest. Delivery services shall be provided at the
18 same rates, terms, and conditions, as approved by the commission,
19 for community choice aggregation customers and customers that
20 have entered into a direct transaction where applicable, as
21 determined by the commission. Once enrolled in the aggregated
22 entity, any ratepayer that chooses to opt out within 60 days or two
23 billing cycles of the date of enrollment may do so without penalty
24 and shall be entitled to receive default service pursuant to paragraph
25 (3) of subdivision (a). Customers that return to the electrical
26 corporation for procurement services shall be subject to the same
27 terms and conditions as are applicable to other returning direct
28 access customers from the same class, as determined by the
29 commission, as authorized by the commission pursuant to this
30 code or any other provision of law, except that those customers
31 shall be subject to no more than a 12-month stay requirement with
32 the electrical corporation. Any reentry fees to be imposed after the
33 opt-out period specified in this paragraph, shall be approved by
34 the commission and shall reflect the cost of reentry. The
35 commission shall exclude any amounts previously determined and
36 paid pursuant to subdivisions (d), (e), and (f) from the cost of
37 reentry.

38 (14) Nothing in this section shall be construed as authorizing
39 any city or any community choice retail load aggregator to restrict
40 the ability of retail electricity customers to obtain or receive service

1 from any authorized electric service provider in a manner consistent
2 with law.

3 (15) (A) The community choice aggregator shall fully inform
4 participating customers at least twice within two calendar months,
5 or 60 days, in advance of the date of commencing automatic
6 enrollment. Notifications may occur concurrently with billing
7 cycles. Following enrollment, the community choice aggregator
8 shall fully inform participating customers for not less than two
9 consecutive billing cycles. Notification may include, but is not
10 limited to, direct mailings to customers, or inserts in water, sewer,
11 or other utility bills. Any notification shall inform customers of
12 both of the following:

13 (i) That they are to be automatically enrolled and that the
14 customer has the right to opt out of the community choice
15 aggregator without penalty.

16 (ii) The terms and conditions of the services offered.

17 (B) Each notification shall also include a mechanism by which
18 a ratepayer may opt out of community choice aggregated service.
19 The opt out may take the form of a self-addressed return postcard
20 indicating the customer's election to remain with, or return to,
21 electric service provided by the electrical corporation, or another
22 straightforward means by which the customer may elect to derive
23 electric service through the electrical corporation providing service
24 in the area.

25 (C) Every solicitation of customers by a community choice
26 aggregator shall contain, and communication by the community
27 choice aggregator to the public or to a prospective or existing
28 customer shall be consistent with, the electric supply rate for the
29 customer if the customer remains with the electrical corporation
30 compared to the electric supply rate if the customer chooses to be
31 served by the community choice aggregator. Rates shall be specific
32 to the customer class of that ~~customer and shall be provided for~~
33 ~~the next five years of service. The electrical corporation shall~~
34 ~~provide its projected electric supply rate to the community choice~~
35 ~~aggregator.~~ *customer.*

36 (16) A community choice aggregator shall have an operating
37 service agreement with the electrical corporation prior to furnishing
38 electric service to consumers within its jurisdiction. The service
39 agreement shall include performance standards that govern the
40 business and operational relationship between the community

1 choice aggregator and the electrical corporation. The commission
2 shall ensure that any service agreement between the community
3 choice aggregator and the electrical corporation includes equitable
4 responsibilities and remedies for all parties. The parties may
5 negotiate specific terms of the service agreement, provided that
6 the service agreement is consistent with this chapter.

7 (17) The community choice aggregator shall register with the
8 commission, which may require additional information to ensure
9 compliance with basic consumer protection and other rules and
10 other procedural matters.

11 (18) Once the community choice aggregator's contract is signed,
12 the community choice aggregator shall notify the applicable
13 electrical corporation that community choice service will
14 commence within 30 days.

15 (19) Once notified of a community choice aggregator program,
16 the electrical corporation shall transfer all applicable accounts to
17 the new supplier within a 30-day period from the date of the close
18 of the electrical corporation's normally scheduled monthly
19 metering and billing process.

20 (20) An electrical corporation shall recover from the community
21 choice aggregator any costs reasonably attributable to the
22 community choice aggregator, as determined by the commission,
23 of implementing this section, including, but not limited to, all
24 business and information system changes, except for
25 transaction-based costs as described in this paragraph. Any costs
26 not reasonably attributable to a community choice aggregator shall
27 be recovered from ratepayers, as determined by the commission.
28 All reasonable transaction-based costs of notices, billing, metering,
29 collections, and customer communications or other services
30 provided to an aggregator or its customers shall be recovered from
31 the aggregator or its customers on terms and at rates to be approved
32 by the commission.

33 (21) At the request and expense of any community choice
34 aggregator, an electrical corporation shall install, maintain, and
35 calibrate metering devices at mutually agreeable locations within
36 or adjacent to the community choice aggregator's political
37 boundaries. The electrical corporation shall read the metering
38 devices and provide the data collected to the community choice
39 aggregator at the aggregator's expense. To the extent that the
40 community choice aggregator requests a metering location that

1 would require alteration or modification of a circuit, the electrical
2 corporation shall only be required to alter or modify a circuit if
3 that alteration or modification does not compromise the safety,
4 reliability, or operational flexibility of the electrical corporation's
5 facilities. All costs incurred to modify circuits pursuant to this
6 paragraph, shall be borne by the community choice aggregator.

7 (d) (1) It is the intent of the Legislature that each retail end-use
8 customer that has purchased power from an electrical corporation
9 on or after February 1, 2001, should bear a fair share of the
10 Department of Water Resources' electricity purchase costs, as well
11 as electricity purchase contract obligations incurred as of the
12 effective date of the act adding this section, that are recoverable
13 from electrical corporation customers in commission-approved
14 rates. It is further the intent of the Legislature to prevent any
15 shifting of recoverable costs between customers.

16 (2) The Legislature finds and declares that this subdivision is
17 consistent with the requirements of Division 27 (commencing with
18 Section 80000) of the Water Code and Section 360.5 of this code,
19 and is therefore declaratory of existing law.

20 (e) A retail end-use customer that purchases electricity from a
21 community choice aggregator pursuant to this section shall pay
22 both of the following:

23 (1) A charge equivalent to the charges that would otherwise be
24 imposed on the customer by the commission to recover
25 bond-related costs pursuant to any agreement between the
26 commission and the Department of Water Resources pursuant to
27 Section 80110 of the Water Code, which charge shall be payable
28 until any obligations of the Department of Water Resources
29 pursuant to Division 27 (commencing with Section 80000) of the
30 Water Code are fully paid or otherwise discharged.

31 (2) Any additional costs of the Department of Water Resources,
32 equal to the customer's proportionate share of the Department of
33 Water Resources' estimated net unavoidable electricity purchase
34 contract costs as determined by the commission, for the period
35 commencing with the customer's purchases of electricity from the
36 community choice aggregator, through the expiration of all then
37 existing electricity purchase contracts entered into by the
38 Department of Water Resources.

39 (f) A retail end-use customer purchasing electricity from a
40 community choice aggregator pursuant to this section shall

1 reimburse the electrical corporation that previously served the
2 customer for all of the following:

3 (1) The electrical corporation's unrecovered past
4 undercollections for electricity purchases, including any financing
5 costs, attributable to that customer, that the commission lawfully
6 determines may be recovered in rates.

7 (2) Any additional costs of the electrical corporation recoverable
8 in commission-approved rates, equal to the share of the electrical
9 corporation's estimated net unavoidable electricity purchase
10 contract costs attributable to the customer, as determined by the
11 commission, for the period commencing with the customer's
12 purchases of electricity from the community choice aggregator,
13 through the expiration of all then existing electricity purchase
14 contracts entered into by the electrical corporation.

15 (g) Estimated net unavoidable electricity costs paid by the
16 customers of a community choice aggregator shall be reduced by
17 the value of any benefits that remain with bundled service
18 customers, unless the customers of the community choice
19 aggregator are allocated a fair and equitable share of those benefits.

20 (h) (1) Any charges imposed pursuant to subdivision (e) shall
21 be the property of the Department of Water Resources. Any charges
22 imposed pursuant to subdivision (f) shall be the property of the
23 electrical corporation. The commission shall establish mechanisms,
24 including agreements with, or orders with respect to, electrical
25 corporations necessary to ensure that charges payable pursuant to
26 this section shall be promptly remitted to the party entitled to
27 payment.

28 (2) Charges imposed pursuant to subdivisions (d), (e), and (f)
29 shall be nonbypassable.

30 (i) The commission shall authorize community choice
31 aggregation only if the commission imposes a cost-recovery
32 mechanism pursuant to subdivisions (d), (e), (f), and (h). Except
33 as provided by this subdivision, this section shall not alter the
34 suspension by the commission of direct purchases of electricity
35 from alternate providers other than by community choice
36 aggregators, pursuant to Section 365.1.

37 (j) (1) The commission shall not authorize community choice
38 aggregation until it implements a cost-recovery mechanism,
39 consistent with subdivisions (d), (e), and (f), that is applicable to

1 customers that elected to purchase electricity from an alternate
2 provider between February 1, 2001, and January 1, 2003.

3 (2) The commission shall not authorize community choice
4 aggregation until it has adopted rules for implementing community
5 choice aggregation.

6 (k) (1) Except for nonbypassable charges imposed by the
7 commission pursuant to subdivisions (d), (e), (f), and (h), and
8 programs authorized by the commission to provide broader
9 statewide or regional benefits to all customers, electric service
10 customers of a community choice aggregator shall not be required
11 to pay nonbypassable charges for goods, services, or programs
12 that do not benefit either, or where applicable, both, the customer
13 and the community choice aggregator serving the customer.

14 (2) The commission, Energy Commission, electrical corporation,
15 or third-party administrator shall administer any program funded
16 through a nonbypassable charge on a nondiscriminatory basis so
17 that the electric service customers of a community choice
18 aggregator may participate in the program on an equal basis with
19 the customers of an electrical corporation.

20 (3) Nothing in this subdivision is intended to modify, or prohibit
21 the use of, charges funding programs for the benefit of low-income
22 customers.

23 (l) (1) An electrical corporation shall not terminate the services
24 of a community choice aggregator unless authorized by a vote of
25 the full commission. The commission shall ensure that prior to
26 authorizing a termination of service, that the community choice
27 aggregator has been provided adequate notice and a reasonable
28 opportunity to be heard regarding any electrical corporation
29 contentions in support of termination. If the contentions made by
30 the electrical corporation in favor of termination include factual
31 claims, the community choice aggregator shall be afforded an
32 opportunity to address those claims in an evidentiary hearing.

33 (2) Notwithstanding paragraph (1), if the Independent System
34 Operator has transferred the community choice aggregator's
35 scheduling coordination responsibilities to the incumbent electrical
36 corporation, an administrative law judge or assigned commissioner,
37 after providing the aggregator with notice and an opportunity to
38 respond, may suspend the aggregator's service to customers
39 pending a full vote of the commission.

1 (m) Any meeting of an entity authorized to be a community
2 choice aggregator, as defined in Section 331.1, for the purpose of
3 developing, implementing, or administering a program of
4 community choice aggregation shall be conducted in the manner
5 prescribed by the Ralph M. Brown Act (Chapter 9 (commencing
6 with Section 54950) of Part 1 of Division 2 of Title 5 of the
7 Government Code).

8 (n) Amendments to this section made by Assembly Bill 2145
9 of the 2013–14 Regular Session do not affect the enrollment status
10 of a customer already enrolled in a community choice aggregation
11 program prior to January 1, 2015.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.